

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
THOMAS HEYER,)	
Register Number 30155-074,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 18th day of December, 2008.

George E. B. Holding
United States Attorney

BY: /s/ Michael Bredenberg
Michael Bredenberg
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Civil Division
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Raleigh, NC 27601-1461
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 18th day of December, 2008, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Thomas Heyer
Reg. No. 30155-074
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U.S. Attorney
Civil Division

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Anthony A. Jimenez, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C.. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Thomas John Heyer, Register Number 30155-074, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of an 18-month term of imprisonment, following the revocation of his supervised release. He violated supervised release by attending a sex offender treatment session while under the influence of a controlled substance, resulting in his termination from the treatment program. His original sentence was a 60-month term of imprisonment and a three-year term of supervised release, following his conviction for Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) (E.D. Tenn.) (Case No. 3:02-CR-50-01). His offense conduct included downloading and copying child pornography images from the internet. During the investigation of this offense, it was also learned that inmate Heyer befriended a 15-year-old deaf boy, showed him child pornography, performed oral sex on the boy, and

took pictures of himself and the boy nude below the waist. His projected release date is January 1, 2009.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

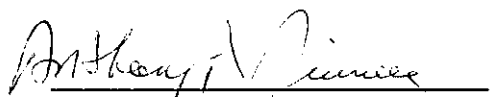
(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his conduct related to his federal child pornography conviction. Additionally, he was previously convicted of Kidnapping in the Second Degree, in the Superior Court, Monmouth County, New Jersey (Case No. 93-06-1006-1), for abducting a ten-year-old boy at knifepoint, taking him to a wooded area near a high school football field, tying the boy up, and burying him with debris to prevent the boy from reporting the crime. There is evidence that Inmate Heyer also pulled the victim's pants down, performed oral sex on the victim, and then masturbated to ejaculation. Additionally, there is evidence that Inmate Heyer has molested 46 children, 44 of whom were male children.

(b) A limited psychological review indicated the following: Axis I diagnoses of Pedophilia, Sexually

Attracted to Males, Nonexclusive Type; Alcohol Dependence, in a Controlled Environment; and Cannabis Abuse, in a Controlled Environment; Axis II diagnosis of Antisocial Personality Disorder;

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to his current and prior offense conduct, a history of revocation or failure to meet the stipulations of conditional release, failure in sex offender treatment, early onset of sexual offending, emotional identification with children, poor general self-regulation and lifestyle instability, significant intimacy deficits or conflict in intimate relationships, ongoing or high potential for relapse of drug/alcohol use, and evidence of deviant sexual arousal to male children, as measured by a Penile Plethysmograph Assessment, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Anthony A. Jimenez
Chairperson
Certification Review Panel
Federal Bureau of Prisons

11/14/2008
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
THOMAS HEYER,)	
Register Number 30155-074,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2008.

W. EARL BRITT
Senior U.S. District Judge